



DELAWARE GENERAL ASSEMBLY
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19901

Adult Use Cannabis Task Force

Wednesday, February 28th, 2018
10:00a.m. – 12:00p.m.
House Chamber, Legislative Hall, Dover

Task Force Members Present:

Representative Helene Keeley, House of Representatives
Senator Margaret Rose Henry, Delaware State Senate
Representative Steve Smyk, House of Representatives
John Yeomans, Department of Safety & Homeland Security
Clarence Watson, Division of Substance Abuse and Mental Health
John Sybert, Sussex County Advocate
Jason Silversteen, Medical Marijuana Act Oversight Committee
Cathy Rossi, AAA Mid-Atlantic
Kim Robbins, Delaware Pharmacist Society
Brendan O'Neill, Office of Defense Services
Tim Holly, Delaware State Chamber of Commerce Employer Advocacy & Education Committee
Jermaine Hatton, Delaware League of Local Governments
Robert Glen, State Bank Commissioner
Michelle Jacobs, Department of Natural Resources and Environmental Control (DNREC)
Cynthia Ferguson, New Castle County Advocate
Thomas Donovan, Kent County Advocate
Danielle Brennan, Attorney General
Kenneth Bounds, Deputy Secretary, Department of Agriculture
Nicholas Biasotto, Medical Society of Delaware

Representative Helene Keeley, co-chair, called the meeting to order 10:07 a.m. She took attendance and explained that the previous Task Force meeting on Wednesday, February 14th had been meant to be the final opportunity to provide further input on the Task Force report. She added that this opportunity had been extended and that staff had been collecting additional inclusion requests and clarifications via email. The Representative explained that this meeting would start by going through all emails received by staff so that they could be presented in the Task Force meeting for the official record and for all members to hear. She clarified that everything discussed in the meeting would be included in the official minutes which would be attached to the official record. The Representative went on to refer to a request from a Task Force member to include all presentations from previous meetings in the final report. She

explained that due to the sheer magnitude of presentation materials, this request was not feasible, but that an appendix was created listing all presentations, their contents, and their presenter which would be attached to the final report. These presentations would be made readily available to any individual requesting them. She asked members if this was an accurate representation of the request made and if it was a sufficient solution.

Cathy Rossi, AAA Mid-Atlantic, responded in the affirmative to the Representative Keeley's question.

Representative Steve Smyk, House of Representatives, replied that, to his knowledge, the solution that the co-chairs and Ms. Rossi had agreed to had never been done in a previous Task Force and that, while inclusion of presentations to the report would substantially increase its length, doing so would make all material readily available to the public. He inquired as to whether presentations would be available in a digital format or if they would be mailed to individuals making requests. Rep. Keeley responded that in actuality, presentations and minutes are typically not included in the final report. She added, however, that due to the sensitivity of the subject, she and Sen. Henry were trying to be as fair as possible and were therefore providing an appendix with a list of all presentations. These presentations would also serve the purpose of educating the members of the General Assembly as they begin to prepare for talks surrounding the legalization of adult use cannabis. Rep. Keeley further stated that as someone reading the final report, she may be interested in specific areas and that the presentation appendix would allow readers to easily access the relevant presentations without having to flip through extensive amounts of pages. Rep. Smyk confirmed his understanding and stated that this was a suitable approach. He then brought up his concern that presentations had been brought forth by various organizations utilizing different methods for data collection. He voiced his desire for data to be vetted before being attached to the final report in the hope that misleading and false data not be given validity. Rep. Keeley stated her appreciation for the Rep. Smyk's comments, but that, in order to be fair, all presentations would be provided as they were presented for members of the General Assembly to review. Rep. Smyk clarified that he was looking for authenticity, to which Rep. Keeley responded that this was visible in the minutes. She stated that all challenges to data were reflected and recorded in the minutes of previous Task Force meetings.

Cathy Rossi, asked for further clarification in regards to the presentation appendix providing links to all relevant presentations to easily accommodate public access. Rep. Keeley responded in the affirmative, stating that if a member would like to see the presentation, they could click on it.

Rep. Keeley, went on to reaffirm her commitment to having emails received by staff stated on the record for inclusion in the days minutes, before continuing this portion of the agenda. She stated that there had been discussion regarding legal limits for driving under the influence of marijuana and that there were further requests regarding actionable solutions that pertained to

this, THC levels in an individual's system, and pilot-testing roadside detection. She further stated that a clarification request regarding an actionable solution requesting high-quality, State-specific data had been agreed to in addition to the request for minutes and presentations to be added in some manner to the report. She acknowledged Tim Holly's emails stating that the DSCCs positions were not fully represented by the report, and stated that further clarification had been requested of him and that if he had not done so at the time, that he could submit those materials for review. She added that a request to include a disclaimer stating that a vote for the release of the final report in no way signified support for the legalization of adult use cannabis, had been met. Rep. Smyk stating that various State agencies were present and alluding to their inability to express support for legalization requested that the disclaimer in question be further clarified that the Task Force's duty was to simply provide recommendations in the case that adult use cannabis were to be made legal. Rep. Keeley, referring to Rep. Smyk's request, stated that it had been made clear throughout the Task Force meetings and the final report.

Senator Margaret Rose Henry, co-chair, stated that she understood the need to make this distinction, but, adding to Rep. Keeley's comment, it was made clear several times throughout the preceding months. She further stated that this report was meant to educate members of the General Assembly and the public and that she was grateful for the time and effort put in by all Task Force members and the organizations they represented to provide suggestions and recommendations.

Tim Holly, Delaware State Chamber of Commerce (DSCC) Employer Advocacy & Education Committee, clarified that the DSCCs concern stemmed from the fact that they were unclear on what they were being asked to vote on. He stated that they were unsure whether or not they were voting that the Task Force's mandate had been fulfilled, whether the report captured the essence of the statements made by Task Force members, or whether the report was an accurate record of the meetings proceedings. Sen. Henry stated her belief that the Task Force members would be voting for the work that was done in carrying out the Task Forces stated objective. Mr. Holly clarified that in reviewing HCR 52, establishing the Adult Use Cannabis Task Force, and the language used, the DSCC believed that one may come to opposing conclusions if being asked to vote on whether or not the Task Force had achieved its stated purpose versus being asked to vote on whether or not the report accurately captured the essence of all that had transpired in the meetings. Sen. Henry asked Mr. Holly what he would recommend. Mr. Holly stated that it would be easier to vote in favor of the report accurately reflecting what had transpired in Task Force meetings rather than voting in favor of the report being fulfilling the Task Forces establishing mandate. Rep. Keeley stated that after all of the meetings, the co-chairs had begun drafting an amendment to HB 110 and that they were taking all concerns and recommendations that had been provided into account.

Cathy Rossi, voiced her concern that this was a topic that had many implications for the State of Delaware and that despite Colorado's final Task Force report being 165 pages, Delaware's final report was only fifteen pages. She further stated that Colorado's report covered the same subject

areas as this report, but was much more substantive and comprehensive. Rep. Keeley stated that while she appreciated Ms. Rossi's comments, most of what had come out of Colorado's final report was already in HB 110 and that the legislation would further establish a commission to better regulate and address concerns. Ms. Rossi stated that the report did not accurately capture costs and consequences of legalization for legislators and the public to be fully educated on the issue. Sen. Henry reiterated that the minutes and all presentations would be made available to the public in addition to the report and that their inclusion in the final report would simply make it too long. She further stated that anyone that wanted to refer to a specific topic could easily do so. However, Sen. Henry also expressed that the conversation was starting to go towards HB 110 and the legalization of adult use cannabis instead of the issues that should be considered. She additionally expressed her belief that this was an issue that could be discussed for years without discussing every possible issue or scenario and that the Task Force has done its due diligence in providing recommendations.

Rep. Smyk, brought to consideration the possibility of having another Task Force meeting to vote on the final report after all additional recommendations and requests had been added and finalized. Sen. Henry stated that this would be the report in front of each of the Task Force members with the inclusion of all minutes and presentations to which Rep. Smyk stated that he would like a chance to review the report once those had been included before having a final vote. Rep. Keeley stated that the only thing that would still need to be added to the final report were the minutes that were being typed for that day's meeting. Sen. Henry asked if he wanted to see a compilation of all materials in one binder. Rep. Smyk stated that he wanted the exact version of what would be presented to the General Assembly. Tim Holly further clarified his position, stating that he would like the opportunity to review the report in its final form to ensure that it accurately reflected the DSCC's position. Cathy Rossi further expanded on Rep. Smyk's point that it would be helpful to ensure that nothing was lost as the final version of the report was pieced together. Sen. Henry stated that the members should vote on the report with the understanding that the agreed upon materials would be added. Rep. Smyk responded by saying that a digital version of the final report was satisfactory. Rep. Keeley and Sen. Henry stated that the list of presentations had been created and could be shared with Task Force members present and had a member of the staff print and divulge copies to all members.

Sen. Henry, motioned to approve the minutes from the Wednesday, February 14th meeting.

Clarence Watson, Division of Substance Abuse and Mental Health, requested his name be added to the attendance portion of the minutes.

Nicholas Biasotto, Medical Society of Delaware, seconded the motion to approve the minutes with those changes noted, and the minutes were accepted by a majority of Task Force members present.

Rep. Keeley, clarified that the Task Force was not required to have a vote on the release of the final report, but that due to several members requesting a vote, the co-chairs had agreed to have one, but that a report was still required to be given to the General Assembly. Cathy Rossi stated that line 49 of HCR 52 required for approval of a majority of members of the Task Force to release the final report.

Deborah Gottschalk, General Assembly Division of Research Legislative Attorney, clarified that the report was not giving a recommendation in support or in opposition of the legalization of adult use cannabis, rather a clear path forward in the case that it were to be legalized. Tim Holly stated that there should be a cover page that states that the report does not contain actionable solutions from the Task Force. Ms. Gottschalk confirmed his statements and added that the minutes were all seen and approved by the Task Force members.

Rep. Keeley, asked if all in attendance had the opportunity to review the presentation list that had been handed out previously. Cathy Rossi asked for presentation titles to be added to the Meeting #4 portion in order to make the document uniform. Rep. Keeley stated that this had already been agreed to and that the incomplete portion was due to staff turnover and materials changing hands, but would be corrected soon. She also reiterated that all minutes and presentations via the presentation list would be included in the final version to accurately reflect all that had transpired in the Task Force.

Cathy Rossi, asked if public comment could also be added in similar fashion to the presentation list, to which Rep. Keeley stated that these had been memorialized in the approved minutes.

Rep. Keeley, went on to note that the request to have a mechanism in which local governments could prohibit the sale of marijuana in their jurisdiction was met through their ability to hold referendums or the enactment of an ordinance.

Jermaine Hatton, Delaware League of Local Governments, asked the co-chair if HB 110 could be changed to strike the ability for a referendum and only prohibit marijuana sale through the use of an ordinance. Rep. Keeley stated that this suggestion would be reflected in the day's minutes.

Rep. Keeley, reiterated the fact that not only had another meeting been set to review suggestions two weeks prior, but that emails had been accepted to further provide time for members to voice concerns and give clarifications. Sen. Henry added that the Task Force had met its charge, but that it was time to take action. Rep. Keeley also noted that recommendations and everything that came out of the Task Force would be reflected and taken into account as the co-chairs drafted their amendment.

Jeffrey Horvath, Executive Director, Delaware Police Chiefs Council, on behalf of Chief William Bryson, stated that, due to a personal emergency the Chief was unable to be there, but that if he had been there he would have voted against the release of the report.

Tim Holly, stated that DSCC would only be able to vote in favor of release if they had the opportunity to review the final version and if the report included a cover page with three points:

- The report is merely an accurate summary of the business conducted by the Task Force
- The report does not include a list of Task Force approved actionable solutions
- A vote of yes does not reflect approval of HB 110

Rep. Smyk, brought up the idea of calling for a motion to vote for the release of the final report but defer the final decision of each member until after they had the chance to review the finalized version and have a digital vote thereafter. Cathy Rossi stated that the actionable solutions are incomplete, to which Rep. Keeley voiced that they could not have countless delays and continue to postpone the vote. Sen. Henry echoed Rep. Keeley's sentiments and voiced her support of having an online vote after members had the opportunity to review the final version. Deborah Gottschalk clarified that an online vote was not permissible by the rules. She further clarified that the Task Force could vote to release the report with a delay of a period of time for technical changes. Rep. Keeley voiced her willingness to have vote with a delay, but expressed concern about delaying the final conclusion for too long. Rep. Smyk stated his understanding the concerns and suggested a meeting on Wednesday, March 7th.

Brendan O'Neill, Office of Defense Services, stated that ample time had been provided throughout the past several months-worth of meetings and stated that it was time to take action.

Rep. Smyk, motioned to approve the work that had been done so far with the understanding that the Task Force members would reconvene on Wednesday, March 7th to give a final vote on the finalized version of the report which would be sent to all members digitally, prior to the meeting.

Nicholas Biasotto, asked if Task Force members could vote electronically or via written letter. Deborah Gottschalk clarified that voting would have to take place in a central location, but that a second video-conferencing location was acceptable.

Tim Holly, asked what exactly the DSCC was going to be voting for, reiterating his prior conditions for voting in favor of release. Rep. Smyk restated and clarified his motion for Mr. Holly. Rep. Keeley stated that she understand if Mr. Holly was unable to vote in favor of release, but that she was hopeful that he would change his mind on March 7th after the three-point cover page he had requested, along with a completed presentation appendix, and the day's minutes were included. She further stated that she wanted him to feel comfortable after reviewing the final report, to which Mr. Holly stated that he could not vote for the report in its current form.

Brendan O'Neill, clarified that no new information could be added to the final report after the day's vote, only technical corrections could be added.

Cathy Rossi, asked if they would be holding off the vote for release until March 7th. Sen. Henry stated that they would be voting that day, February 28th, to release. Cathy Rossi stated that she too would have to vote no to the release of the report based on what she had in front of her at the time. Sen. Henry stated that Ms. Rossi had already voted to approve minutes from meeting to meeting as the Task Force progressed and expressed her confusion as to why she was not voting in favor of releasing the report, compilation of the minutes and the recommendations found within them. Ms. Rossi clarified that the presentation appendix was missing in addition to the cover page that Mr. Holly was requesting and that despite the Task Force co-chairs agreeing to their inclusion in the final report, she could not vote for release as the version she had in front of her did not include them.

Rep. Smyk, asked for the motion to be read aloud as it was written.

Edwin Hernandez-Vargas, Legislative Aide, House of Representatives, stated that the motion was to release the report that day as it was written with a final review on Wednesday, March 7th. Rep. Smyk added that the last portion of the motion should read: "with a final review and vote on Wednesday, March 7th". Sen. Henry stated that his clarification would be added to the minutes.

Rep. Keeley, conducted a roll call vote. Yes=11 (Nicholas Biasotto, Danielle Brennan, Thomas Donovan, Cynthia Ferguson, Jermaine Hatton, Brendan O'Neill, Kim Robbins, Jason Silversteen, John Sybert, Margaret Rose Henry, Helene Keeley); No=3 (Tim Holly, Cathy Rossi,

Stephen Smyk); Abstain=4 (Michelle Jacobs, Robert Glen, Clarence Watson, John Yeomans); Absent=7 (Kenneth Bounds, William Bryson, Rick Geisenberger, Mark Lally, Jamie Mack, Lossie Freeman, Bryant Richardson). She stated that having a majority in favor, the final report was released and that the finalized version would be sent out to all Task Force members for review prior to the March 7th meeting at 10am in the JFC Hearing Room. She additionally stated that per FOIA rules, video-conferencing in a central location would be required for those that would not be able to attend.

Rep. Smyk, asked if the finalized version could be released by Monday, March 5th. Sen. Henry stated that it could.

The meeting was adjourned at 11:23 a.m.

Attendance List:

1. Jeffrey Horvath (Executive Director, Delaware Police Chiefs Council)
2. Kyra Hoffner (DE CAN)
3. Zoe Patchell (DE CAN)
4. Christina Schiltz (Parkowski, Guerke, and Swayze)
5. Elizabeth Lewis (Hamilton Goodman Partners)
6. Glenn Condon (LMA MIDTA)
7. John Peters (NORML)
8. Paige Raichle (Deltech)
9. Mariah Warren (Deltech)
10. Deborah Gottschalk (Division of Research)
11. Edwin Hernandez-Vargas (Legislative Aide, House of Representatives Majority Caucus)
12. Meredith Seitz (Policy Analyst, House of Representatives Majority Caucus)
13. Jim Lardear (AAA Mid-Atlantic)
14. Ken Grant (AAA Mid-Atlantic)